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January 19, 2017

By ECF
Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Charles Avery, et al. v. City of New York, et al.*, 15 CV 6418 (FB)(CLP)

Your Honor:

I represent plaintiff. On December 14, 2016 Plaintiff filed an acceptance of Defendants' Rule 68 offer and on January 3, 2017 Your Honor extended plaintiff's time to make a motion for fees and costs until January 20. Plaintiff, with consent of defendants, requests until February 3 to submit his fee motion. Plaintiff is hopeful that this additional time will allow an agreement regarding fees to be reached.

Respectfully submitted,

/ss/

Robert Marinelli

cc: ACC Aimee Lulich, Esq.